

United States District Court

EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

**NEIL GILMOUR, III, as trustee for the
GRANTOR TRUSTS, et al.,**

Plaintiffs,

V.

BLUE CROSS AND BLUE SHIELD OF ALABAMA, *et al.*,

Defendants.

ACTION NO. 4:19-CV-160

JUDGE MAZZANT/JUDGE JOHNSON

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On March 15, 2019, the Magistrate Judge entered proposed findings of fact and recommendations (Dkt. #197) that Plaintiffs Neil Gilmour, acting as Trustee for the Grantor Trusts of Victory Medical Center Craig Ranch, LP, Victory Medical Center Landmark, LP, Victory Medical Center Mid-Cities, LP, Victory Medical Center Plano, LP, Victory Medical Center Southcross, LP, Victory Medical Center Beaumont, LP, Victory Parent Company, LLC, and Victory Surgical Hospital East Houston, LP's (collectively, "Plaintiffs") Notice of Dismissal with Prejudice as to Defendant Noridian Mutual Insurance Company d/b/a Blue Cross Blue Shield of North Dakota ("BCBS North Dakota") (the "Notice") (Dkt. #194) be **GRANTED**.

Having received the Report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and

conclusions of the Court. Therefore, the Notice (Dkt. #194) is **GRANTED**. Plaintiffs' claims against BCBS North Dakota are hereby **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

SIGNED this 5th day of April, 2019.

A handwritten signature in black ink, reading "Amos Mazzant", written over a horizontal line.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE